Kerala Gazette No. 10 dated 6th March 1984
PART I A

GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 7146/EL1/83/Elec. *Dated, Trivandrum, 8th December 1983.*

Election Commission's Notification No. 56/82-XIV dated 22nd November 1983 is hereby republished.

By order,
R. RAMACHANDRAN NAIR,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

Dated, 22nd November 1983/
Agrahayana 1, 1905 (S).

NOTIFICATION

S.O.—Whereas the Election Commission of India has, by its notification No. 56/82-VI, dated the 1st December, 1982, accorded *adhoc* recognition to Indian Congress (J), as a State Party in the State of Haryana in terms of para 6 of the Election Symbols (Reservation and Allotment) Order, 1968, on the basis of provisional information regarding general election held in that state held in 1982 made available;

And whereas the *adhoc* recognition granted was made subject to review of the poll performance of that party on receipt of final figures in respect of the relevant General Election;

And whereas the Election Commission is satisfied on the basis of the information now available in its possession that the Indian Congress (J) is entitled for registration and recognition on the basis of its poll performance during, the general election to the Haryana Legislative Assembly held in May, 1982;

Now, therefore, in pursuance of clause (b) of sub-para (1) and sub-para (2) of paragraph 17 and paragraph 18 of the said symbols order the Election Commission hereby directs that the Indian Congress (J) shall be a State Party in the State of Haryana under para 6 of the said Symbols Order, with the election symbols 'Scales' reserved for it.

G. 1903

The recognition granted is subject to the following conditions:—

(i) The party shall communicate to the Commission without delay and change in its name, head office, office-bearers and addresses or political principles, policies, aims and objectives and any change in any other material matters ;

(ii) The party shall intimate the Commission immediately whenever any amendments are issued to party constitution along with the relevant documents like the notice for the meeting to consider amendments, agenda for the meeting, minutes of the meeting where the amendments have been carried out, etc.

(iii) The party shall maintain all the records like Minutes Book, Account Books, membership registers, receipt books, etc. properly.

(iv) The said records shall be open for inspection at any time by the authorised representative (s) of the Commission ; and

(v) The recognition granted shall be reviewed by the Commission from time to time.

(No. 56/82-XIV)

By order,

(Sd.)

K. GANESAN,

Secretary.

GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 8119/EL.1/83/Elec. *Dated, Trivandrum, 3rd January* 1984.

Election Commission's Notification No. 82/KL-LA/2/82/83 dated 20th December 1983 is hereby published.

By order,
R. RAMACHANDRAN NAIR,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

'Nirvachan Sadan',
Ashok Road,
New Delhi-110001

Dated, the 20th December, 1983.

NOTIFICATION

No. 82/KL-LA/2/82/83.—In pursuance of Section 116 C of the Representation of the People Act 1951 (43 of 1951), the Election Commission hereby publishes the judgement of the Supreme Court of India dated 24th November, 1983 in Civil Appeal No. 4080 (NCE) of 1982 filed against the Judgement of the High Court of Kerala dated the 26th October, 1982 in Election Petition No. 2 of 1982.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 4080 OF 1982

Eapen Varghese ... Appellant.

Vs

Sri T. R. Peethambaran Master & 6 others . Respondents.

G. 4

ORDER

We have heard counsel for the parties and have gone through the judgment of the High Court. The only point involved in the appeal is that of re-count. We are satisfied that there is no error in the re-count done by the Returning Officer. The appeal is accordingly dismissed without any order as to costs.

(Sd.)
S. Murtaza Fazal Ali, J.

(Sd.)
O. Chinnappa Reddy, J.

(Sd.)
E. S. Venkataramiah, J.

New Delhi,
November, 24, 1983.

By order,
(Sd.)
M. L. Wahi,
Under Secretary to the Election Commission of India,

GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 286/ELI/84/Elec. *Dated, Trivandrum, 11th January* 1984.

Election Commission's notification No. 82/KL-LA/13/82/83 dated 2-1-1984 is hereby published.

By order,

R. RAMACHANDRAN NAIR,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001,

Dated, the 2nd January 1984.

NOTIFICATION

No. 82/KL-LA/13/82/83.—In pursuance of section 116C of the Representation of the people Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgement of the Supreme Court of India dated 1-12-1983 in Civil Appeal No. 3410 (NCE) of 1983 filed against the Judgement of High Court of Kerala dated 4th December, 1983 in Election Petition 13 of 1982.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3420 OF 1983

R. M. Parmeswaran Appellant

Vs.

Koliakade N. Krishnan Nair Respondent

ORDER

This election appeal is directed against the Judgment of the Kerala High Court arising out of an election held to the Kerala Legislative Assembly on 19th May, 1982, results of which were declared on 20th May, 1982. The respondent secured 36, 303 votes as against the appellant who secured 34,349 votes in Vamanapuram constituency. The only point pressed before us

was that there was sufficient believable evidence to show that the Respondent was guilty of corrupt practices as enshrined in Section 123 (4) of the representation of the People Act, 1951. The main allegation was that the respondent is said to have published and distribnted the pamphlet Ex. P. 1 and this is said to be proved by number of witnesses whose evidence have been fully discussed by the High Court. We have gone through the judgment of the High Court and have also been taken through the evidence of P. Ws. 1 to 5, 12, 15, 17, 19, 26, 28 and 29 to prove that the pamphlets were distributed at the instance of the Respondent. The High Court has rightly pointed out after detailed discussion of the evidence that no casual connection has been established between the alleged corrupt practices and the respondent so so as to lead to an irresistible inference that the corrupt practices alleged to the respondent were indulged by or with the consent of the respondent. Some of the witnesses have given very vague evidence which cannot be relied in the circumstances of the case. After consideration of the evidence, the Hight Court was clearly of the opinion that the Appellant had failed to prove corrupt practices alleged to have been indulged by the respondent. We entirely agree with findings of the Hight Court on this point. We see no merit in this appeal which is accordingly dismissed without any order as to costs in this Court.

(Sd.),
S. MURTAZA FAZAL ALI.

(Sd.),
A. VARADARAJAN.

(Sd.),
RANGANATH MISHRA.

New Delhi,
December 1, 1983.

By order,
(Sd.),
M. L. WAHI,
Under Secretary to the Election Commission of India.

GOVERNMENT OF KERALA
Election Department
NOTIFICATION

No. 7819/EL1/83/Elec. *Dated, Trivandrum, 3rd January* 1984.

Election Commission's Notification No. 56/82-XV dated 13th December 1983 is hereby republished.

By order,
R. Ramachandran Nair,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

New Delhi
Dated, the 13th December, 1983.

22nd Agrahayana, 1905(*S*)

NOTIFICATION

S. O, .—In exercise of the powers conferred by clause (d) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments to its notification No. 56/82, dated 8th April, 1982, published in the Gazette of India, Extraordinary, Part II, section 3(iii), dated the 12th April 1982—

In table 4 appended to the said notification against item 21. Uttar Pradesh mentioned in column 1, insert the following entries in column 2 thereof :—

"26; Cycle".

The above amendment shall be deemed to have come into force with effect from 3rd December, 1983.

No. 56/82-XV

By order,
(Sd.)
R. P. Bhalla,
Secretary.